

REMARKS/ARGUMENTS

Claims 17-20 remain in the application. Claims 17-20 are finally rejected.

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. The claims and specification have been amended accordingly to overcome these objections. In particular, the "series of three dimensional frames" has been added to the specification to provide a proper antecedent basis. This does not constitute new matter since these features were shown in the drawings as originally filed. The "collapsible seal means" was amended to "compressible seal". The "end piece" has been changed to "side piece", which is consistent with the specification.

The claims have been objected to because of informalities. The claims have accordingly been amended to overcome those informalities.

Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph as containing subject matter which is not described in the specification. The claims have accordingly been amended to overcome those rejections. Specifically, the "collapsible seal means" was changed to "a compressible seal" as described in the specification. Further, the feature of the seal surrounding the frame has been deleted since there was no support for that in the specification. Finally, the feature of the panels including "insulation" has been deleted and substituted with "foam" as supported in the specification.

Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 17-20 have accordingly been amended to overcome those rejections. Specifically, "collapsible seal means" has been substituted by "a compressible seal" which is fully supported in the specification. "End piece" has been changed to "side pieces". Finally, claims 18 and 19 have been amended to overcome the rejection with respect to "each panel" and "the hinged panel perimeter member".

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Benthem et al. '000 in view of Hampel '672. In response, the applicants have

reviewed those cited references in detail and believe the present invention is patentably distinctive thereover for the reasons to be discussed hereinbelow.

The present invention relates to an air handling unit having a plurality of panels disposed in openings in a series of interconnected frames. Each of the frames has a pair of opposed side pieces, and each panel has front and back covers that are interconnected at their ends by perimeter members, with the space between the covers being filled with a foam material. The panel is connected to a side piece by a living hinge at its one end and by a latch interfacing with another side piece at its other end. In one embodiment, the living hinge is integrally formed with a panel perimeter member.

The Van Benthem reference shows an air handling unit having panels 2 with corner columns 4 and intermediate columns 6. A door 10 is mounted to the cabinet 1 by two hinges 12 in a rather conventional manner. That is, it is bolted both to the frame on its one end and to the panel on the other end. This, as agreed to by the Examiner, is clearly not a "living hinge" as recited by the applicants.

The Hampel reference shows a portable building which could be used as a portable toilet, ticket booth, shelter or storage shed. Its design and structural features are such that the structure can be quickly and easily assembled and disassembled. Included in the front wall of the structure is a door portion 200 and two door frame portions 202 and 204 on either side thereof. At the top of the door, the two door frame portions 202 and 204 are interconnected by a so called "living hinge" 206. It is unclear how the living hinge 206 interconnects the two door frame portions 202 and 204, but its opening 228 as shown in Fig. 10d is closed by fasteners 232 so as to form a butt joint 238 between the door frame portions 202 and 204 and to create the properly sized door frame panel 26 as shown in Fig. 10b.

The Examiner suggest that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the unit of Van Benthem et al. '000 with a living hinge, as taught by Hampel '672". The applicants respectfully disagree.

In the first place, one designing and building an air handling unit is not likely to refer to the unanalogues art relating to portable buildings such as portable toilets, for features that could be incorporated in the design of an air handling unit. Even assuming, *arguendo*, that this reference was before such a designer/builder, the applicants would strongly argue that it would not be obvious to one skilled in the art to adapt the "living hinge" of the Hampel reference into the panel structure of the Van Benthem reference to obtain the applicant's invention as claimed. That is, a "living hinge" that interconnects a pair of door frame portions to form a butt joint therebetween, with no apparent hinging action in the normal sense of the word (i.e. a periodic opening and closing via flexing of the hinge), would not be obviously adaptable to an air handling unit that interconnects an insulated panel to a surrounding framework in such a manner as to allow an opening and closing of the panel by a hinge on its one side and a latching of the panel to the frame on the other side.

Rather than teaching such a combination, the Hampel reference would appear to lead one way from such a design since the hinged door of the Hampel structure shows the door 28 to be mounted to the door frame panel 26 by conventional hinges 48 rather than living hinges. Thus, if there is analogues art shown in Hampel, it would most likely be the showing of a hinged door, but the type of hinge is not a living hinge as shown and claimed by the applicant.

For these reasons, the applicants respectfully submit that the claims, as amended are patentably distinctive over the cited references. A reconsideration of the Examiner's rejection and a passing of the case to issue is therefore respectfully requested. In the alternative, the applicants request that this amendment be admitted for purposes of placing the application in better condition for allowance. In this regard, the applicants would like to point out that the only amendments made were those made for the purpose of overcoming the informalities pointed out by the Examiner in his Office Action.

Serial No.: 09/904,676

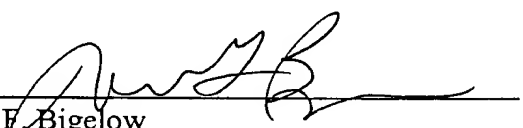
Amendment Dated: September 29, 2003

Reply to Office Action of April 28, 2003

The Director is hereby authorized to charge any fees that are incorrect or due associated with this communication to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By: 
Dana F. Bigelow
Reg. No. 26,441

DFB/cmh

Telephone: (315) 425-9000

Customer No.: 20874

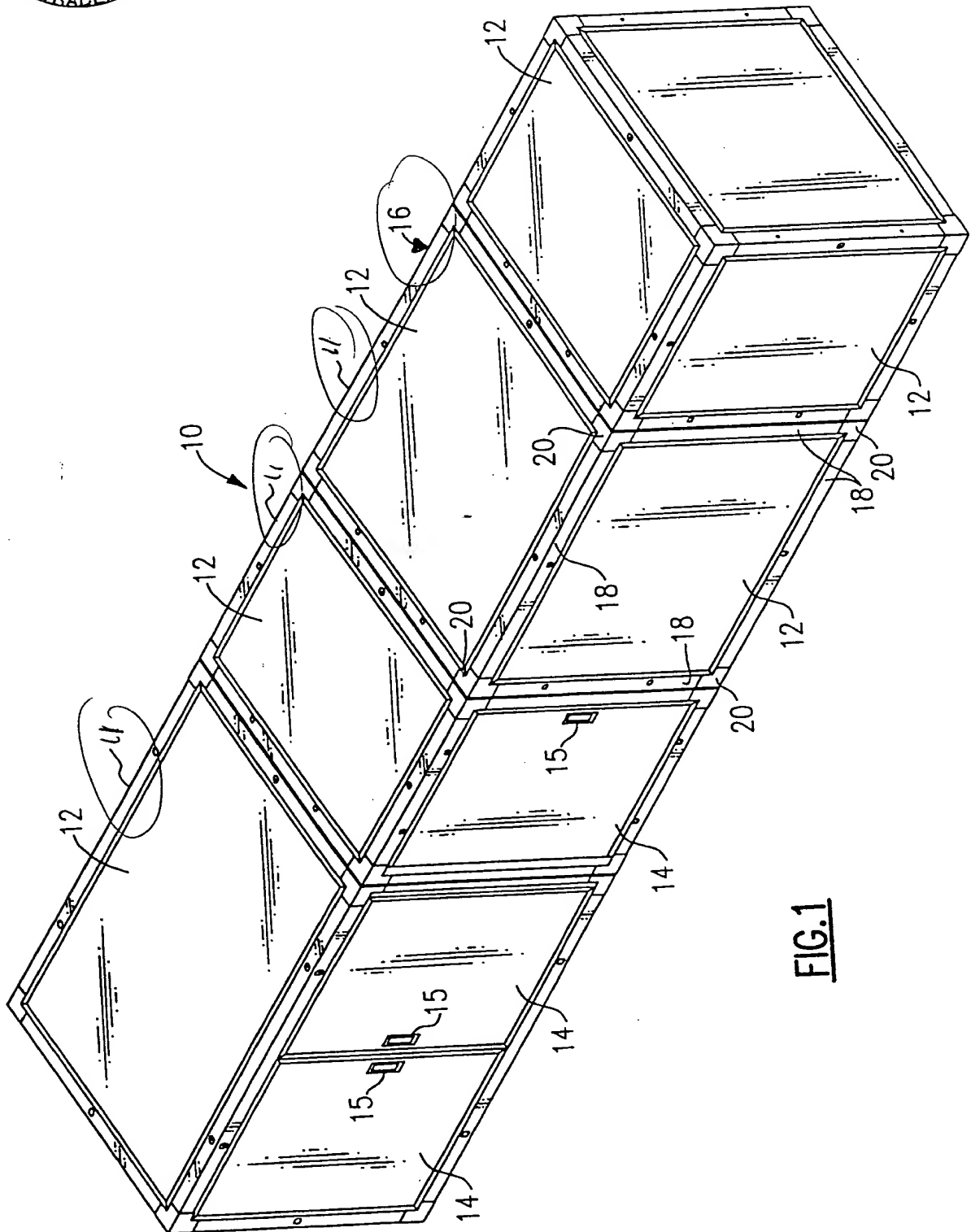


FIG. 1

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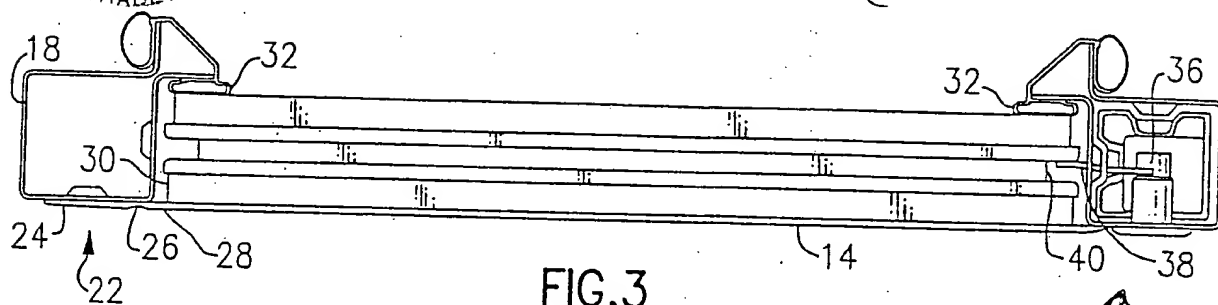


FIG. 3

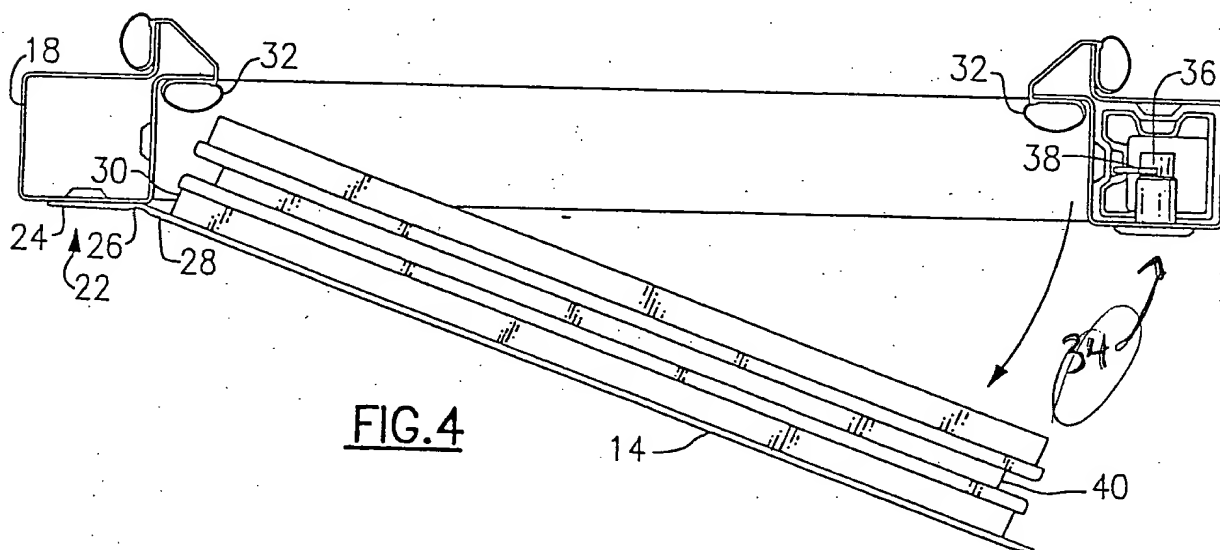


FIG. 4

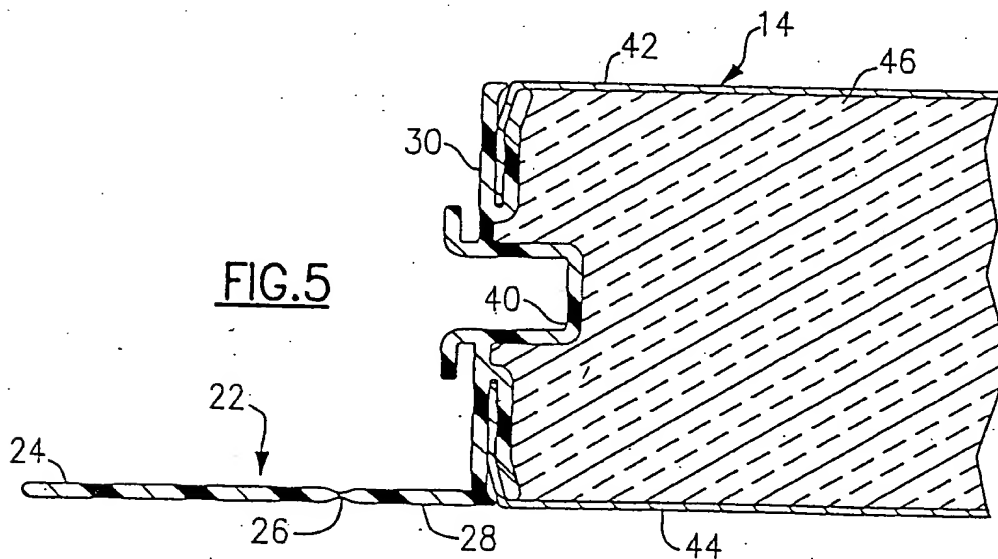


FIG. 5